

Appl. No. 10/828,572
Amdt. dated March 14, 2006
Reply to Office Action of December 15, 2005

REMARKS

Applicants have carefully reviewed the Office Action mailed on December 15, 2005. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 13, 25, 29 and 33-35 are amended. No new matter is added. Claims 8 and 21 have been cancelled without prejudice. Claims 1-7, 9-20 and 22-35 remain pending.

As a preliminary matter, Applicants have not received an initialed and dated copy of the Form PTO-1449 that was included with the Information Disclosure Statement filed on October 21, 2004. Applicants respectfully request that the Examiner return an initialed and dated copy of these Form PTO-1449's with the next communication from the Office.

Claims 1, 7-9, 11-14 and 20-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in U.S. Patent No. 6,264,633 in view of Hart et al. in U.S. Patent No. 6,626,861. Please note that claims 8 and 21 are cancelled. Regarding claims 1, 7, 9 and 11-12, claim 1 is amended to recite that the traction member includes a second end and that the second end is free from attachment to the balloon catheter. As indicated by the Examiner, Knorig fails to disclose a traction member. Moreover, the outer sleeve 36 of Hart et al. has a proximal sleeve end 38 that is connected to the distal end 16 of the catheter tube 12. Hart et al. at column 6, lines 60-64. Therefore, the combination of Knorig and Hart et al. fails to teach or disclose each and every limitation of amended claim 1. Accordingly, Applicants respectfully submit that amended claim 1 is believed to be patentable over the cited references. Because claims 7, 9 and 11-12 depend from claim 1, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 13-14, 20 and 22-24, claim 13 is similarly amended to recite that the traction member includes a proximal end that is free from attachment to the balloon catheter. For the same reasons set forth above, Applicants respectfully submit that this amendment distinguishes amended claim 13 from the cited references. Because claims 14, 20 and 22-24 depend from claim 13, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 25-28, claim 25 is amended to recite a non-woven traction member. As stated above, Knorig fails to disclose a traction member. Moreover, the outer sleeve 36 of Hart

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et al. is a woven mesh. Hart et al. at column 7, lines 9-24. Based on this difference, Applicants respectfully submit that amended claim 25 is patentable over the cited references. Because claims 26-28 depend from claim 25, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 29-32, claim 29 recites that the traction member includes a proximal end that is not attached to the shaft and is disposed adjacent the balloon. For the reasons set forth above, this limitation is believed to distinguish claim 29 from the cited references. Claim 29 has been amended into independent form and is believed to be in condition for allowance. Because claims 30-32 depend from claim 29, they are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Regarding claims 33 and 34, each of these claims are amended to recite that the means for increasing the traction between the balloon and the intravascular lesion includes one or more non-woven wires coupled to the distal end of the catheter shaft and extending proximally therefrom. For the same reasons set forth above, Applicants respectfully submit that these amendments distinguish claims 33-34 from the cited references.

Regarding claim 35, this claim is amended to recite that the traction member further comprises a proximal end that is free from attachment to the shaft. For the same reasons set forth above, Applicants respectfully submit that this amendment distinguish claim 35 from the cited references.

Claims 22-24 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Hart et al. Regarding claims 22-24, claim 13 is amended as described above and is believed to be in condition for allowance. Because claims 22-24 depend from allowable claim 13, these claims are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Regarding claims 29-32, as described above claim 29 is amended into independent form and is believed to be allowable over the cited references because it recites that the traction member includes a proximal end that is not attached to the shaft and is disposed adjacent the balloon. Because claims 30-32 depend from claim 29, they are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Claims 2, 6, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Hart et al. as applied to claims 1 and 13 above, and further in view of

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Mareiro et al. in U.S. Patent No. 6,258,099. Regarding claims 2 and 6, claim 1 is amended as described above as is believed to be distinguishable from Knorig and Hart et al. Mareiro et al. fail to cure this defect. Therefore, claim 1 is believed to be patentable over the combination of Knorig, Hart et al., and Mareiro et al. Because claims 2 and 6 depend from allowable claim 1, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Regarding claims 15 and 19, claim 13 is amended as described above as is believed to be distinguishable from Knorig and Hart et al. Mareiro et al. fail to cure this defect. Therefore, claim 13 is believed to be patentable over the combination of Knorig, Hart et al., and Mareiro et al. Because claims 15 and 19 depend from allowable claim 13, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Claims 3 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Hart et al. as applied to claims 1 and 13 above, and further in view of Bradshaw in U.S. Patent No. 6,450,988. As described above, claims 1 and 13 are believed to be patentable over Knorig and Hart et al. Bradshaw fails to cure this defect. Accordingly, claims 1 and 13 are believed to be patentable over the combination of Knorig, Hart et al., and Bradshaw. Because claims 3 and 16 depend from allowable claims 1 and 13, respectively, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Claims 4, 5, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Hart et al. as applied to claims 1 and 13 above, and further in view of Grayzel et al. in U.S. Patent Pub. No. 2002/0010489. As described above, claims 1 and 13 are believed to be patentable over Knorig and Hart et al. Grayzel et al. fail to cure this defect. Accordingly, claims 1 and 13 are believed to be patentable over the combination of Knorig, Hart et al., and Grayzel et al. Because claims 4-5 and 17-18 depend from allowable claims 1 and 13, respectively, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Knorig in view of Hart et al. as applied to claim 9 above, and further in view of Campbell in U.S. Patent No. 5,928,193. As described above, claim 1 is believed to be patentable over Knorig and Hart et al. Campbell fails to cure this defect. Accordingly, claim 1 is believed to be patentable over the

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combination of Knorig, Hart et al., and Campbell. Because claim 10 depends from allowable claim 1, it is also patentable for the same reason and because it adds significant elements to distinguish it further from the art.

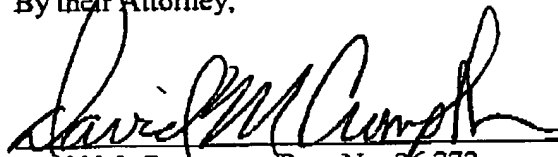
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Steven A. McAuley et al.

By their Attorney,

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